

SENATE BILL 3004

By Watson

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17 and Title 40, Chapter 35, relative to  
criminal gangs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, is amended by adding the following language as a new, appropriately designated part thereto:

39-17-1901.

(a) It shall be unlawful for any person to actively participate in any criminal street gang, as defined by § 40-35-121(a) with knowledge that its members engage in or have engaged in a pattern of criminal gang activity as defined in § 40-35-121(a), and to willfully promote, further, or assist in any felonious criminal conduct by members of that gang.

(b) A violation of this section is a Class E Felony. Any sentence imposed shall be served consecutively to the sentence for any other offense that is based in whole or in part on the same factual allegations, unless the sentencing judge or magistrate specifically orders the sentences for the offenses arising out of the same facts to be served concurrently.

39-17-1902.

In order to secure a conviction or sustain a juvenile petition, pursuant to this part, it is not necessary for the prosecution to prove that the person devotes all, or a substantial part, of the person's time or efforts to the criminal street gang, nor is it necessary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.